

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Complainant,  vs.  MCI WORLDCOM, INC.,  Respondent.	DOCKET NO. FCU-03-21
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**ORDER REGARDING STIPULATED FACTS AND DENYING MOTION TO STRIKE**

(Issued May 25, 2004)

On April 22, 2004, the undersigned administrative law judge issued a procedural order and notice of hearing that required the parties to file a document on or before May 13, 2004, stipulating to as many of the facts in this case as possible and identifying which facts remain in dispute and need to be resolved. The parties were also ordered to state whether a hearing was necessary or whether the case could be submitted on stipulated facts, prefiled testimony and evidence, and the prehearing briefs.

On May 13, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a status report with two draft stipulations. On May 14, 2004, MCI WorldCom, Inc. (MCI) filed a status report of stipulated facts with

attached emails, and requested "any filing by the Consumer Advocate outside of the process set forth by the Judge for filing stipulated facts be stricken."

The filings by the parties show they were unable to agree on a stipulation of facts and were unable to agree on identification of the facts remaining in dispute that need to be resolved by the May 13<sup>th</sup> deadline. There is no need to strike any filing by any party and it would be inappropriate to do so. The motion to strike should be denied.

The parties must proceed with the remainder of the procedural schedule. If the parties find they are able to stipulate to any facts in the future, they are free to file the joint stipulation at any time.

**IT IS THEREFORE ORDERED:**

1. The motion to strike filed by MCI on May 14, 2004, is denied.
2. The orders issued on April 22 and 26, 2004, setting forth the procedural schedule and hearing date, remain in effect.

**UTILITIES BOARD**

/s/ Amy L. Christensen  
Amy L. Christensen  
Administrative Law Judge

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

Dated at Des Moines, Iowa, this 25<sup>th</sup> day of May, 2004.